



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

987 WRIT PETITION NO.11472 OF 2024

Sheshabai Tukaram Dhotre

VERSUS

The State of Maharashtra Through Divisional Commissioner
And Others.

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Advocate for Petitioner : Mr. K.M. Nagarkar
AGP for Respondents 1,2 : Mr. K.B. Jadhavar
Respondent no.3 : Served.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 06, 2026

ORDER :-

1. Present writ petition takes exception to the order dated 9th July, 2024 passed by Divisional Commissioner, Chhatrapati Sambhajinagar thereby rejecting Restoration Application no.39 of 2024 and upholding order dated 26th April, 2024 dismissing Appeal no.579 of 2023 for want of prosecution.

2. The petitioner has been elected as member of village Panchayat Honwadaj, Taluka Mukhed, District Nanded from the seat of Reserve category. She had submitted caste certificate alongwith her nomination form. She had submitted undertaking to furnish caste validity certificate within a period of six months in terms of section 10(1-A) of the Maharashtra

Village Panchayat's Act (for short the Act). After expiry of six months, petitioner filed caste validity certificate, on which her name is referred as "*Hakke Parvati Gangadhar*" whereas, her caste certificate depicts her name as "*Surnar Parvatibai Dnyanoba*". In this background, respondent no.2 filed proceeding for disqualification of the petitioner in terms of section 14, 16 read with section 10(A-1) of the Maharashtra Village Panchayats Act. The District Collector, Nanded allowed the Dispute and disqualified the petitioner by order dated 17th August, 2023. Aggrieved petitioner filed Appeal before Additional Divisional Commissioner, at Chhatrapati Sambhajinagar under section 16(2) of the Act of 1958. The petitioner was consistently absent on the dates fixed for hearing of the appeal. Eventually, on 26th April, 2024, the appeal came to be dismissed for want of prosecution. The petitioner filed application for restoration of the appeal, however, the learned Divisional Commissioner, Chhatrapati Sambhajinagar rejected her application vide impugned order dated 9th July, 2024. Hence this writ petition.

3. Mr.Nagarkar, learned advocate appearing for the petitioner submits that petitioner was elected from OBC

category. She belongs to 'Vadar' community. She is illiterate lady. She has been disqualified merely on the ground of change in the middle name of the Caste Certificate which is inconsistent with the validity certificate issued in her favour. The petitioner shall not suffer for technical reasons. According to him, absence of the petitioner before the Divisional Commissioner was not intentional.

4. Having considered submissions advanced and on perusal of the record tendered into service before this Court, it can be observed that District Collector, Chhatrapati Sambhajnagar disqualified petitioner vide order dated 17th August, 2023. She filed appeal on 25th August, 2023 before the Additional Commissioner under section 16(2) of the Act. Perusal of the record indicates that from the date of institution of the appeal, it was listed for hearing for seven occasions till 24th April, 2024. The petitioner did not bother to appear before the Appellate Authority and finally suffered dismissal for want of prosecution vide order dated 26th April 2024.

5. The only reason employed in application for restoration is that, on 24th April, 2024 she had suffered heat-stroke. So, she could not attend the hearing. Such a reason is not

supported by any evidence. Further, petitioner could not adduce explanation for her consistent absence for seven consecutive dates prior to dismissal of appeal. It is trite that Appeal filed under section 16(2) of the Act requires expeditious decision. It cannot be kept pending for months together.

6. In the present case, the matter was posted for seven consecutive dates before it is dismissed for want of prosecution. The petitioner could not offer plausible explanation for her non-appearance. In result, no jurisdictional error can be found in the impugned order. Hence, writ petition stands **dismissed**.

(S. G. CHAPALGAONKAR)
Judge

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